

CLAIMS AMENDMENT:

Please substitute the following claims for those currently pending:

Please cancel claim 41 without prejudice.

31 (currently amended): A method of preparing a ~~combination according to claim 21~~ medical device coated with a composition comprising a bioactive agent in combination with a plurality of polymers, including a first polymer component comprising at least one poly(alkyl)(meth)acrylate and a second polymer component comprising poly(ethylene-co-vinyl acetate), in a manner that permits the coated surface to release the bioactive agent over time when implanted *in vivo*, the composition, the method comprising the steps of providing a ~~composition according to claim 1~~ and applying the composition to the medical device.

32 (previously presented): A method according to claim 31 wherein the coating is provided by dipping or spraying the device with the composition.

33 (previously presented): A method according to claim 32 wherein the coating composition includes a solvent and the coating upon the device is cured by evaporation of the solvent.

34 (previously presented): A method according to claim 31 wherein the device is one that undergoes flexion and/or expansion in the course of implantation or use *in vivo*.

35 (previously presented): A method according to claim 34 wherein the first polymer component is selected from the group consisting of poly(alkyl)(meth)acrylates with alkyl chain lengths from 2 to 8 carbons, and the second polymer component is selected from the group consisting of poly(ethylene-co-vinyl acetate) polymers having vinyl acetate concentrations of between about 10% and about 50% by weight.

36 (previously presented): A method according to claim 35 wherein the composition comprises a mixture of poly(n-butylmethacrylate) and poly(ethylene-co-vinyl acetate).

37 (previously presented): A method according to claim 35 wherein the total combined concentrations of both polymers in the coating composition is between about 0.25% and about 70% by weight.

38 (previously presented): A method according to claim 37 wherein the bioactive agent is dissolved or suspended in the coating mixture at a concentration of 0.01% to 90% by weight.

39 (previously presented): A method according to claim 31 wherein the weight of the coating attributable to the bioactive agent is in the range of about 0.05 mg to about 10 mg of bioactive agent per cm² of the gross surface area of the device.

40 (previously presented): A method according to claim 39 wherein the weight of the coating attributable to the bioactive agent is between about 1 mg and about 5 mg of bioactive agent per cm² of the gross surface area of the device, and the coating thickness of the composition is in the range of about 5 micrometers to about 100 micrometers.

41. (cancelled)

Kindly add new claims 42-69 as follows:

42 (new): A method according to claim 31 wherein the medical device comprises an implantable medical device fabricated from metal or polymeric materials.

43 (new): A method according to claim 42 wherein the device is selected from catheters and stents.

44 (new): A method according to claim 43 wherein the medical device comprises a catheter selected from the group consisting of urinary catheters and intravenous catheters.

45 (new): A method according to claim 44 wherein the catheter comprises a urinary catheter and the bioactive agent comprises an antimicrobial agent.

46 (new): A method according to claim 44 wherein the catheter comprises an intravenous catheter and the bioactive agent comprises an antimicrobial or antithrombotic agent.

47 (new): A method according to claim 44 wherein the catheter is fabricated from a group comprising silicone rubber, polyurethane, latex and polyvinylchloride.

48 (new): A method according to claim 43 wherein the device comprises a stent selected from the group consisting of self-expanding stents and balloon expandable stents.

49 (new): A method according to claim 48 wherein the stent comprises a material selected from the group consisting of stainless steel and tantalum.

50 (new): A method according to claim 31 wherein the composition comprises a bioactive agent in combination with a plurality of polymers, including a first polymer component comprising at least one poly(alkyl)(meth)acrylate and a second polymer component comprising poly(ethylene-co-vinyl acetate), wherein the second polymer component is selected from the group consisting of poly(ethylene-co-vinyl acetate) polymers having vinyl acetate concentrations of between about 10% and about 50% by weight.

51 (new): A method according to claim 50 wherein the device is one that undergoes flexion and/or expansion in the course of implantation or use *in vivo*.

52 (new): A method according to claim 50 wherein the composition permits the amount and rate of release of agent(s) from the medical device to be controlled by adjusting the relative types and/or concentrations of polymers in the mixture.

53 (new): A method according to claim 50 wherein the first polymer component is selected from the group consisting of poly(alkyl)(meth)acrylates with alkyl chain lengths from 2 to 8 carbons.

54 (new): A method according to claim 50 wherein the vinyl acetate concentrations are between about 24% and about 36% by weight.

55 (new): A method according to claim 54 wherein the vinyl acetate concentrations are between about 30% and about 34% by weight.

56 (new): A method according to claim 50 wherein the composition comprises a mixture of poly(n-butylmethacrylate) and poly(ethylene-*co*-vinyl acetate).

57 (new): A method according to claim 56 wherein the total combined concentrations of both polymers in the coating composition is between about 0.25% and about 70% by weight.

58 (new): A method according to claim 50 wherein the composition further comprises a solvent in which the polymers form a true solution.

59 (new): A method according to claim 50 wherein the bioactive agent is dissolved or suspended in the coating mixture at a concentration of 0.01% to 90% by weight.

60 (new): A method according to claim 59 wherein the bioactive agent is selected from the group consisting of thrombin inhibitors, antithrombogenic agents, thrombolytic agents, fibrinolytic agents, vasospasm inhibitors, calcium channel blockers, vasodilators, antihypertensive agents, antimicrobial agents, antibiotics, inhibitors of surface glycoprotein receptors, antiplatelet agents, antimitotics, microtubule inhibitors, anti secretory agents, actin inhibitors, remodeling inhibitors, antisense nucleotides, anti metabolites, antiproliferatives, anticancer chemotherapeutic agents, anti-inflammatory steroid or non-steroidal anti-

inflammatory agents, immunosuppressive agents, growth hormone antagonists, growth factors, dopamine agonists, radiotherapeutic agents, peptides, proteins, enzymes, extracellular matrix components, inhibitors, free radical scavengers, chelators, antioxidants, anti polymerases, antiviral agents, photodynamic therapy agents, and gene therapy agents.

61 (new): A method according to claim 60 wherein the vinyl acetate concentrations are between about 24% and about 36% by weight and the total combined concentrations of both polymers in the coating composition is between about 0.25% and about 70% by weight.

62 (new): A method according to claim 61 wherein the medical device comprises an implantable medical device fabricated from metal or polymeric materials.

63 (new): A method according to claim 62 wherein the device is selected from catheters and stents.

64 (new): A method according to claim 63 wherein the medical device comprises a catheter selected from the group consisting of urinary catheters and intravenous catheters.

65 (new): A method according to claim 64 wherein the catheter comprises a urinary catheter and the bioactive agent comprises an antimicrobial agent.

66 (new): A method according to claim 64 wherein the catheter comprises an intravenous catheter and the bioactive agent comprises an antimicrobial or antithrombotic agent.

67 (new): A method according to claim 64 wherein the catheter is fabricated from a group comprising silicone rubber, polyurethane, latex and polyvinylchloride.

68 (new): A method according to claim 63 wherein the device comprises a stent selected from the group consisting of self-expanding stents and balloon expandable stents.

69 (new): A method according to claim 68 wherein the stent comprises a material selected from the group consisting of stainless steel and tantalum.